

CHAPTER NO. 512

HOUSE BILL NO. 1762

By Representative Williams

Substituted for: Senate Bill No. 1829

By Senators Henry, Rochelle

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 11, Part 8 relative to the nursing home resident protection fund.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Tennessee Eden Alternative Grant Assistance Program Act of 1999".

SECTION 2.

(a) The General Assembly recognizes the need to improve and enhance the quality of life of the elderly who reside in health care facilities statewide; and acknowledges that, in order to provide the quality of life deserved by our elderly, changes have to be made in the way facilities operate. The General Assembly further recognizes that there is one (1) nationally recognized program that has been proven to successfully improve and enhance the quality of life in residential health care facilities, that states nationwide are adopting and striving to implement The Eden Alternative Program in their respective states and that elderly Tennesseans should not be deprived of the enhanced quality of life this program offers.

(b) It is the intent of the General Assembly in enacting this act and related provisions to provide for the establishment and implementation of a pilot program to assist facilities in Tennessee in implementing The Eden Alternative program to enhance the lives of facility residents and staff while demonstrating the effectiveness of the Eden Alternative method and encouraging its adoption statewide.

SECTION 3. Tennessee Code Annotated, Title 68, Chapter 11, Part 8, is amended by adding the following as an appropriately designated section:

Section ___. The Eden Alternative Grant Assistance Program:

(a) In addition to any other lawful use of the nursing home resident trust fund, the fund may be used to fund a pilot grant program to assist in the implementation of Eden Alternative enhanced quality of life projects in nursing homes, assisted-care living facilities and homes for the aged in Tennessee.

(b) The commissioner is hereby authorized to establish a grants application and award process to be developed in conjunction with the State's Eden Alternative Coalition. Such grants application and award process shall be established and conducted in accordance with accepted state and federal contracting practices.

(c) Each grant application shall be reviewed and evaluated by the grant selection committee of the Eden Alternative Coalition.

(d) The commissioner shall be responsible for awarding grants under the provisions of this act.

(e) No more than fifty thousand dollars (\$50,000) shall be expended from the patient trust fund in any fiscal year to finance the grant assistance program authorized by this section.

(f) A maximum of ten (10) Eden Alternative grants, of not more than five thousand dollars (\$5,000) each, shall be awarded in any fiscal year. Of the ten (10) facilities selected to receive grant awards annually, five (5) shall be nursing homes, three (3) shall be assisted-care living facilities, and two (2) shall be homes for the aged.

(g) The commissioner is authorized to promulgate rules and regulations to effectuate this grant program. Regulations promulgated under this section shall be developed in accordance with the State Uniform Administrative Procedures Act.

SECTION 4. Tennessee Code Annotated, Section 68-11-826(a), is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) Any civil monetary penalties for which a nursing home, or individual is liable under the provisions of Sections 68-11-213, 68-11-801 - 68-11-805 shall be recovered, collected, deposited and expended under the provisions of this section and Sections 68-11-827 and 68-11-829.

SECTION 5. Tennessee Code Annotated, Section 68-11-827(a), is amended by adding a new section at the end of subsection (3) as follows:

(4)(a) In addition to any other lawful use of the nursing home resident trust fund, the fund may also be used to fund a pilot grant program to assist in the implementation of Eden Alternative enhanced quality of life projects in nursing homes, assisted-care living facilities and homes for the aged in Tennessee.

SECTION 6. For the purpose of promulgating regulations, this act shall take effect upon becoming law, the public welfare requiring it.

SECTION 7. Tennessee Code Annotated, Section 4-29-222, is amended by adding the following as a new item to be appropriately designated:

() Eden Alternative Grant Assistance Program, created by Tennessee Code Annotated, Section 68-11-8__;

SECTION 8. The Commissioner shall establish and maintain evaluation procedures to assess the availability of revenues for the program and the viability of such program on a yearly basis, and shall determine whether such program shall be fully funded or partially funded with resources available.

SECTION 9. For the purpose of awarding grants, this act shall take effect beginning July 1, 2000, the public welfare requiring it.

PASSED: May 28, 1999


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 17th day of June 1999


DON SINGQUIST, GOVERNOR